

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

SAMUEL A. JOHNSON, JR.;
THERESA L. JOHNSON; SAMUEL
S. JOHNSON; JEAN JOHNSON;
NEW HOLLAND CREDIT COMPANY,
n/k/a CNH Capital America, LLC;
LIVINGSTON STATE BANK; FARMERS
SAVINGS BANK; HOMETOWN BANK;
and DAVID SCHMITZ DC,

Defendants.

ORDER

08-cv-8-bbc

Defendant Samuel A. Johnson, Jr. has written to the court asking whether the judgment against him can be voided. I will treat the letter as a motion.

Defendant explains that he is trying desperately to save his home from a marshal's sale scheduled for August 11, 2008 at 10:30 a.m. Although I sympathize with defendant's situation and with his desire to save his home, it is not possible to set aside the judgment of foreclosure entered against him and the other defendants on May 16, 2008. Defendant had

notice of the government's motion for a default judgment but failed to appear to contest the judgment. It is too late now to move for reconsideration under Fed. R. Civ. P. 59(e); such a motion must be filed within ten days of the entry of judgment. Defendant has not shown any grounds for relief from judgment under Fed. R. Civ. P. 60(b): he does not say that he has a valid defense to the motion for entry of default judgment or shown that he has moved as quickly as possible to correct the default.

ORDER

IT IS ORDERED that defendant Samuel A. Johnson, Jr.'s motion for reconsideration of the judgment entered against him and the other defendants on May 16, 2008 or for relief from the judgment is DENIED.

Entered this 5th day of August, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge